

1 conducted in the 1991 Louisiana Gubernatorial runoff election found that Republicans were
2 significantly more likely to vote for Duke than Democrats. *Id.*

3 The Democrats submit that the nomination of Democrat Dixy Lee Ray for the office of
4 Governor in 1976 occurred only because Republicans, independents, and other non-Democrats cast
5 votes for Ms. Ray in the 1976 primary. (Dem. Mot. At 11, with ref. to Olson and Butterworth
6 Deps. and Butterworth Decl.) Apart from Butterworth's mere assertion, however, there is no
7 evidence of this fact.

8 The political parties' evidence that there is a burden on their constitutional right of
9 association is, for the most part, incompetent and inadmissible, and at best, it is insubstantial and
10 speculative; the political parties have failed to carry their burden of proof.

11 IV. CONCLUSION

12 The political parties have not demonstrated that there is evidence of a substantial burden to
13 their First Amendment right of association. Accordingly, the motions of the Democratic Party and
14 the Republican Party must be denied.

15 The Defendants Secretary of State and the Grange have demonstrated that Washington's
16 blanket primary is a constitutional exercise of the State's power to regulate elections, as they have
17 shown that the political parties have failed to come forth with sufficient evidence to prove the
18 blanket primary's unconstitutionality. Summary judgment is proper if a defendant shows that there
19 is no evidence supporting an element essential to a plaintiff's claim. *Celotex Corp. v. Catrett*, 477
20 U.S. 317 (1986). The State has shown that the political parties have failed to demonstrate the
21 element of burden on their constitutional right of association. Accordingly, the State's motion for
22 summary judgment must be granted.

23 NOW, THEREFORE,

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26 ORDER - 28

1 IT IS ORDERED:

- 2 1. Motion of Defendant Sam S. Reed, as Secretary of State of Washington for
3 Summary Judgment (Doc. # 268) is GRANTED;
- 4 2. Motion of Plaintiff Washington State Democratic Party for Summary Judgment
5 (Doc. #261) is DENIED;
- 6 3. Motion of Intervenor Republican State Committee of Washington for Summary
7 Judgment (Doc. # 273) is DENIED;
- 8 4. The following Motions of Defendant Reed to Strike are GRANTED:
- 9 a. Strike Declarations Submitted on behalf of Washington State Democratic
10 Party's Motion for Summary Judgment (Doc. # 289)
- 11 b. Strike Declarations Submitted on behalf of Republican Intervenors' Motion
12 for Summary Judgment (Doc. # 290) and
- 13 c. *Strike Declaration of Michael Snyder and Expert Report and Attachments*
14 (Doc. # 291)

15 5. This cause of action is DISMISSED, and the Clerk of the Court shall enter JUDGMENT
16 in favor of Defendants.

17 DATED this 27 day of March, 2002.

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21 FRANKLIN D. BURGESS
22 UNITED STATES DISTRICT JUDGE
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